

Case No. 10-CR-0018

1. On January 28, 2010, a federal grand jury sitting in Madison, Wisconsin, returned an indictment against defendant John Wolenec. Count one charged Wolenec with knowingly attempting to receive visual depictions that would have been mailed in, and would have affected, interstate commerce, believing that the production of such visual depictions would involve the use of a minor engaging in sexually explicit conduct, and that the depictions would be of such conduct, specifically, the defendant sent cellular phone service e-mail, communications, to obtain images of a minor engaged in sexually explicit conduct and which images the defendant requested be sent to an address in Dodgeville, Wisconsin, from Illinois, in violation of Title 18, United States Code, Sections 2252(a)(2). The indictment also contained a forfeiture allegation for the forfeiture of a LG

cellular phone, serial number 802KPXV00086898, (US Cellular Service), by virtue of the commission of the offense charged in Count one, pursuant to Title 18, United States Code, Section 2253.

2. On May 28, 2010, the defendant entered a plea of guilty to Count one of the indictment, pursuant to a written plea agreement. The defendant also agreed to the forfeiture of the LG cellular phone, serial number 802KPXV00086898, (US Cellular Service) as set forth in the forfeiture allegation of the indictment.

IT IS THEREFORE ORDERED:

1. That based upon John Wolenec's guilty plea, and pursuant to Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853; and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the LG cellular phone, serial number 802KPXV00086898, (US Cellular Service).

2. The United States Marshals Service is directed to seize and take custody of the above-referenced property.

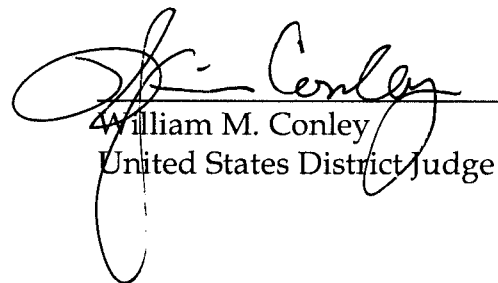
3. Pursuant to 21 U.S.C. § 853 (n), as incorporated by 18 U.S.C. § 2253(b), the United States shall publish notice of the order and of its intent to dispose of the property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this 23<sup>rd</sup> day of June 2010.

  
William M. Conley  
United States District Judge